

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL REVISION APPLICATION (AGAINST CONVICTION) NO. 294
of 2017****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Approved for Reporting	Yes	No

JITENDRASINH GOBARJI CHAVDA

Versus

STATE OF GUJARAT

Appearance:

MR PATHIK M ACHARYA(3520) for the Applicant(s) No. 1

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

CORAM: HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 28/04/2026****JUDGMENT**

- 1) By way of present revision application under Sections 397 read with 401 of the Code of Criminal Procedure, 1973, the applicant – accused has prayed for quashing and setting aside the judgment and order of conviction and sentence dated 25.01.2016 passed by the learned Addl.I Chief Metropolitan Magistrate Court No.3, Ahmedabad, in Criminal Case No.2287/2003, whereby, the trial Court has been pleased to hold the applicant guilty for the offences punishable under Sections 498(A), 324 and 114 of the Indian Penal Code (which shall hereinafter be referred to as "**IPC**" for short) and for the offence under Section 498(A) of IPC, sentenced to undergo rigorous imprisonment for one year and also directed to pay fine of Rs.500/- and in default of payment of fine to undergo further imprisonment for one month and under Section 324 of the IPC

and to undergo rigorous imprisonment for one year and also directed to pay fine of Rs.500/- and in default of payment of fine to undergo further imprisonment for one month. The said order was assailed by way of filing Criminal Appeal No.70/2016, wherein, vide order dated 27.03.2017 passed by the learned Additional Sessions Judge, Court No.21, Ahmedabad, the appeal came to be dismissed and the order of conviction has been confirmed and upheld by the concerned Additional District Judge. Hence, the present Revision Application is filed by the applicant-accused.

- 2) Heard learned Advocate Mr. Pathik M. Acharya, for the applicant and learned APP Mr. Rohan Raval for the respondent – State.
- 3) At the outset, the applicant – accused is convicted for the offences punishable under Sections 498(A), 324 and 114 of IPC and there is concurrent findings of both the Courts below. The applicant has committed the first offence and at the relevant point of time he was aged below 26 years and now his age is 49 years. At present he is doing private job in Meena Gold Buyer Company and settled with the family. Hence, the learned Advocate for the applicant has also prayed to extend the benefit of probation to the applicant. This Court vide order dated 23.03.2026, has called for report of Probation Officer, Ahmedabad City, in compliance of which the Chief Probation Officer, has submitted the report dated 18.04.2026, which is taken on record. As per the said report, the conduct of present applicant is good and Probation Officer has also recommended to extend the benefit of probation to the applicant. Furthermore, 23 years have passed since the date of the incident and during these period the applicant did not indulge in any further crime and report of Probation Officer also suggest good conduct of the

applicant.

- 4) Now while exercising jurisdiction under Section 401 of the Code is discretionary and it is required to be used only in exceptional cases where glaring defect in the procedure and manifest error of law or there has been miscarriage of justice. Here no any such error is pointed out or no perversity is found from the reasons assigned by the learned Sessions Judge. Hence, the learned Sessions Judge has not committed any error in coming to the conclusion. Even in revisional jurisdiction the Court has to be more careful in reappreciating the fact or evidence as revisional jurisdiction itself does not provide reappreciation of evidence and considering the limited jurisdiction the Court cannot act as Appellate Court. Hence, no case is made out for interference with the impugned findings in light of scope of the scope of revision laid down by the Hon'ble Apex Court in ***Amit Kapoor Vs. Ramesh Chander***, reported in **2012 (9) SCC 460**.
- 5) However, one of prime consideration under the penology is reformative approach. The Court has to also consider the possibility of rehabilitation and reformation of offender and therefore, the discretion given to the Court while awarding the sentence under Section 360(1)(iii) of the Code of Criminal Procedure and to consider the provision of Probation of Offenders Act. Considering the aforesaid fact, in order to permit rehabilitation of offender, without finding their communal conscience and to secure the societal interest and justice, Court should prefer the reformative approach instead of inflicting higher or harsher punishment.
- 6) In view of above, the applicant – accused is directed to be released on probation of good conduct under Section 4 of the

Probation of Offenders Act, upon execution of probation bond in sum of Rs.20,000/-, with one surety of like amount for a period of one (1) year.

- 7) It is hereby further directed that the applicant - accused shall receive the sentence as and when called upon till the said period and the applicant shall maintain peace during above mentioned period of one (1) year.
- 8) The above mentioned bond under Section 4 of the Probation of Offenders Act, be submitted before the learned trial Court within 15 days of passing of this judgment.
- 9) Accordingly, present revision application is disposed of. Record and proceedings, if any, be sent back to the concerned Court forthwith.

(HASMUKH D. SUTHAR,J)

SUCHIT